

REMARKS

Claims 4 and 14 are amended. Claims 6, 16, and 18 have been cancelled. Dependent claims 19-23 have been added. With this response, claims 4, 14, and 19-23 are now pending.

Applicant does not believe that any fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Howrey Simon Arnold & White, LLP Deposit Account No. 01-2508/13240.0004.NPUS00/BNT.

Applicant notes that the currently pending claims are not rejected under 35 U.S.C. § 102 (anticipation) or 35 U.S.C. § 103 (obviousness).

Rejection under 35 U.S.C. § 112, first paragraph

Claims 4, 6, 14, 16, and 18 were rejected under 35 U.S.C. § 112, first paragraph, as the specification allegedly lacked support for the "sub-genus claim language". The Examiner also indicated that the specification does not contain support for added claim 18.

Claims 6, 16, and 18 have been canceled, rendering the rejection of these claims moot.

The pending claims have been amended to recite particular SEQ ID NOS (i.e. SEQ ID NOS:1-2, 4-6, and 8). These biological sequences were all contained in the application as filed. For example, the specification at page 7, lines 26-30 indicate that "In a preferred embodiment of the invention, the polypeptide is selected from human, bovine, porcine, chicken, mouse, or rat HMG-1 or HMG-2". The claims, as presently amended, do not contain any "sub-genus" type language noted by the Examiner.

The amendments to claims 4 and 14 specify that the first polypeptide has the amino acid sequence indicated by SEQ ID NO:1, SEQ ID NO:4, or SEQ ID NO:5. These sequences correspond to human, porcine, and rat HMG-1 proteins.

The amendments to claims 4 and 14 also specify that the second polypeptide has the amino acid sequence indicated by SEQ ID NO:2, SEQ ID NO:6, or SEQ ID NO:8. These sequences correspond to human, porcine, and rat HMG-2 proteins. New dependent claims 19-23 further specify the sequences to be the human HMG-1 (SEQ ID NO:1) and human HMG-2 (SEQ ID NO:2) protein sequences.

As detailed in the originally filed patent application, and in various communications to the Examiner, the instant inventors discovered that HMG-1 and HMG-2 proteins are antigenic to antibodies obtained from individuals with a variety of disease conditions (as listed in the currently pending independent claims). This discovery led to the development of diagnostic methods, kits, and drugs as described in the patent application.

Applicant also notes that the Examiner earlier indicated that use of the human, porcine, bovine, and rat HMG proteins were enabled by the specification (Final Office Action dated April 8, 2002; page 2).

Applicant respectfully requests that the rejections of claims 4 and 14 under 35 U.S.C. § 112, first paragraph be withdrawn.

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In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested. All amendments are made in a good faith effort to advance the prosecution on the merits. Applicant respectfully submits that no

amendments have been made to the pending claims for the purpose of overcoming any prior art rejections that would restrict the literal scope of the claims or equivalents thereof. Applicant reserves the right to subsequently take up prosecution of the claims originally filed in this application in continuation, continuation-in-part, and/or divisional applications.

The Examiner is encouraged to call the undersigned should any further action be required for allowance.

Respectfully submitted,



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